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OFFICE OF PETITIONS

In re Application of	:	
TAZAWA, et al.	:	DECISION ON PETITION
Application No.: 09/701,791	:	
Filed: January 19, 2001	:	UNDER 37 CFR 1.137(b)
Attorney Docket No.: D102-P03112US	:	

This is a decision on the petition under 37 CFR 1.137(b), filed January 13, 2005, to revive the above-identified application.

The petition is **DISMISSED** as being immaterial to a pending application.

A final Office action, which set a shortened statutory period for reply of three (3) months, was mailed June 16, 2004. Applicant filed a response on September 13, 2004. As detailed in the Office action mailed October 15, 2004, the response failed to place the application in condition for allowance. On December 10, 2004, applicant filed a Request for Continued Examination (RCE) and submission as required by 37 CFR 1.114. On December 27, 2004, applicant was mailed a Office communication informing applicant that the amendment filed December 10, 2004 was considered non-compliant as it failed to meet the requirements of 37 CFR 1.121. Applicant then filed the petition to revive considered herein.

As explained in the communication mailed December 27, 2004, applicant's filing of the RCE and submission under 37 CFR 1.114. on December 10, 2004, while not in compliance with 37 CFR 1.121, is considered a *bona fide* attempt to provide a complete reply to the last Office action. In such cases, the application is not held abandoned and applicant is given the longer of one month or thirty days from the mail date of the notice of non-compliance to provide an amendment complying with 37 CFR 1.121. (See also, MPEP § 706.07(h)(VI)(A)).

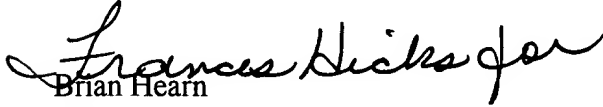
As the above-identified application is not abandoned the petition under 37 CFR 1.137(b), filed January 13, 2005, is moot and the petition fee is credited to Deposit Account 50-1524.

The application is being referred to Technology Center AU 1734.

Application No.: 09/701,791

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Telephone inquiries concerning this decision should be directed to Derek A. Putonen at (571) 272-3294 or in his absence, the undersigned at (571) 272-3217

A handwritten signature in cursive script that reads "Frances Hicks for". The signature is written in black ink and is positioned above the printed name "Brian Hearn".

Brian Hearn
Petitions Examiner
Office of Petitions